

struggles and setbacks of poor children and he knew firsthand how hard life can be for the poor and underprivileged. It is an experience that left him deeply impressed with the urgent need for community action to help those who cannot help themselves.

When Dr. Bell approached me with his own ideas for mobilizing community resources, I found that we shared a common belief that something needed to be done for the poor right here at home. We also found that we agreed that whatever was done, it had to be a private sector initiative, not just another government program. So Dr. Bell immediately began to meet with those in my district who were most interested in aiding the disadvantaged. When it was all done, and after much work and numerous meetings with both prominent people, groups, and ordinary citizens, the Community Service Network concept was born.

Mr. Speaker, I am pleased to say that this approach is catching on around the Nation. The New York Times recently reported an explosive growth in groups just like the CSN's. The Times article said that people are tired of waiting for Washington to step in and that they are digging in and doing their part; saying in effect, "Forget waiting for the Federal Government. We can do it ourselves."

Mr. Speaker, that is what we are doing in my district. That is what Dr. Bell has done his whole career and is still doing to this day. This is not a political revolution, it is a revolution of thought and spirit. It is a movement by Americans to reclaim their country and to say, "Yes, we can make a difference." So it is today that I give my congratulations to Dr. Bell and the hundreds of men and women who are out there making a difference. We are all a little better today for what Dr. Bell has done, and I believe that we in this body owe them a debt of thanks.

#### INTRODUCTION OF THE WORKPLACE FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combating discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am introducing the Workplace Fairness Act of 1996, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piece-meal approach to discrimination law by adding special categories to those

now protected under Title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under Title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequences of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines "factors pertaining to job performance," which include employment history, ability and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies or procedures available under any other existing Federal, State or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff—the employee or prospective employee—than the court may rule that the plaintiff may pay the legal expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives

employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supersede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

#### A FEW INCHES FROM THE YARD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. JACOBS. Mr. Speaker, this Annapolis column, "A Few Inches From the Yard," has been written by the great naval son of a great naval father, Jim Holds.

Both men make us proud to be Americans.

#### A FEW INCHES FROM THE YARD

(By Midshipman Tony Holds, USN '97)

It's that time again. Another year has come and gone, and we, the Class of 1997, have finally assumed the watch. My name is Midshipman Tony Holds and for the next year I will be your connection to the Brigade of Midshipmen. I take this position very seriously, and hope that if any of you ever have any input or feedback for me, you will feel free to drop me a note and let me know.

I guess the first order of business should be to tell you a little bit about myself. I grew up in a Navy family. My mother and father met when she was a PAO for a squadron at Miramar and he was riding backseat in F-4's with VF-142 on that same base. Dad graduated from the Boat School in 1959, and throughout my childhood, images of the Naval Academy were omnipresent in our home. There was a stuffed Bill the Goat staring sternly down at me from the top of my chest of drawers, overseeing the various stages of my young life. Threadbare whiteworks and musty-smelling flight suits filled my toy box. I pored frequently over my Dad's yearbooks with reverent awe and, once I began to read, paged through every issue of Proceedings and Shipmate he would receive in the mail.

The one column that always most fascinated me was "A Few Inches from the Yard", because it seemed the best place to get the straight scoop on the pulse of the Brigade. Dad was full of stories of the Hall, some probably embellished by years of separation from the events in question. This column, however, represented an opportunity to hear what was going on in the Hall from an unbiased source: someone whose perspective was in-your-face and based on the day-to-day realities of life in Mother B; and here I am, years later, honored and humbled to be that voice for you. Wow.

That is not all, though. Here, in my first ever column, I come to you with a dual purpose. Approximately a month ago, when I received word that I was to be this year's writer for "A Few Inches from the Yard", I envisioned my first article as an opportunity to compose a pleasantly uneventful introduction in which I would tell you some anecdotes about myself, life in the Hall as we prepare to welcome the class of Plebes that will